

5111. Misbranding of Tweed's brand pure malt whisky. U. S. * * * v. E. G. Lyons & Raas Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7385. I. S. No. 9836-h.)

At the July, 1916, term of the District Court of the United States for the Northern District of California the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said district court an information against the E. G. Lyons & Raas Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 15, 1914, from the State of California into the State of Oregon, of a quantity of an article labeled in part, "Tweed's Brand Pure Malt Whiskey * * * Distilled by the most approved Canadian Method * * *," which was misbranded.

It was charged in substance in the information that the article was misbranded in that the statements borne on the label regarding the article and the ingredients and substances contained therein were false and misleading in that they falsely represented that it was Canadian whisky manufactured by the Tweed Pure Malt Whiskey Co., and deceived and misled the purchaser into the belief that it was Canadian whisky manufactured by the Tweed Pure Malt Whiskey Co., whereas in truth and in fact it was not, but was a whisky produced in the United States by the said defendant company. Misbranding was alleged for the further reason that the statement on the label of the article, to wit, "Pure Malt Whiskey Distilled by the most approved Canadian Method," purported that said article was a foreign product, to wit, a Canadian whisky, whereas, in truth and in fact, it was not, but was a whisky produced in the United States.

On October 21, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*